S.B.CIVIL WRIT PETITION NO.7322/2006

M/s Shyam Textiles Industries
v.
Nand Kishore Soni & Anr.

Date of Order :: 15th December, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Dr. Sachin Acharya, for the petitioner.

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The appropriate government referred an industrial dispute for its adjudication to the Labour Court, Bhilwara in the terms as to whether the termination of workman Shri Nand Kishore Soni by the employer M/s Shyam Textiles Industries, Bhilwara w.e.f. 20.11.2004 is valid and proper, if not then for what relief the workman is entitled. During pendency of the dispute learned Judge, Labour Court, Bhilwara on 19.5.2006 directed the workman to report before the employer on 20.5.2006 as the employer was ready to employ the workman and the workman was ready to join the services. The industrial dispute was adjourned for 14.6.2006 for recording evidence of the employer.

By this petition for writ a direction is sought by the petitioner to quash the proceedings pertaining to the labour dispute in question in view of the fact that the workman after 20.5.2006 is not reporting on duties.

Heard counsel for the petitioner.

The Labour Court is required to answer the reference made to it by appropriate government. Any event taken during pendency of adjudication of the dispute cannot be a sole reason to quash the industrial dispute. The order dated 19.5.2006 is only to the extent that the employer want to re-employ the workman and the workman is ready to join the duties. It does not make the industrial dispute referred to the Labour Court infructuous. Beside that, whether the workman is not reporting on duties after 20.5.2006 is also a question of fact that requires adjudication. In view of it, I do not find any force in the contention raised by the petitioner that the dispute referred by the appropriate government has become infructuous and, therefore, the Labour Court should not proceed further in the matter.

Accordingly, this petition for writ is dismissed with no order to costs.

(GOVIND MATHUR),J.

kkm/ps.